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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 000331

SIPDIS

DEPARTMENT FOR SA, SA/INS

E.O. 12958: DECL: 02-27-13

TAGS: PHUM PGOV CE

SUBJECT: Human rights update: GSL pursues human rights cases, LTTE shows halting human rights improvements

Ref: Colombo 147 and previous

(U) Classified by Lewis Amselem, Deputy Chief of Mission. Reasons 1.5 (b, d)

1. (C) Summary: Although the Sri Lankan government continues to pursue human rights cases through its judicial system, reports of torture in custody continue. The Liberation Tigers of Tamil Eelam (LTTE), meanwhile, is doing little to improve its human rights record. The high visibility issue of the LTTE recruiting children remains an issue despite promises to the contrary. End Summary.

GSL
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2. (SBU) The Sri Lankan government continues to pursue a number of high profile human rights related court cases, including:

Mirusuvil Massacre Case: The case centers on the abduction of 9 Tamil civilians by Sri Lanka Army personnel. Eight of the Tamils abducted were killed and five soldiers are charged with their murders. The most recent hearing was on February 17. During the hearing the sole survivor of nine Tamil civilians that had been abducted gave testimony of events prior to his escape. Fifty-six further witnesses are scheduled to testify.

Bindunuwewa Massacre Case: In October 2000, 27 Tamils held at the Bindunuwewa rehabilitation camp for former child soldiers were killed while police allegedly looked on. In May 2001, a court case against 51 suspects began with the reading of 83 charges. The next court hearing is scheduled for March 10. In conjunction with the hearing, the court has agreed to accept written submissions of testimony by the accused.

Kandy Election Day Killings: Anuruddha Ratwatte, the former Defense Minister and a relative of President Kumaratunga, along with his two sons and thirteen other defendants, including security force personnel, have been accused of murdering ten Muslim campaign workers on election day December 5, 2001. Ratwatte allegedly directed the killings. The trial-at-bar into this case has been hearing testimony for the past two weeks and is scheduled to continue on a daily basis until all evidence has been presented. On February 17 Commander of the Army Lt. General Lionel Balagalle testified on behalf of the prosecutors, claiming that Ratwatte was using soldiers for his personal gain. (Note: A trial-at-bar replaces a jury with three high court judges with the intended effect of speeding up the trial process and limiting the possibility of harassing witnesses.)

3. (SBU) Human rights observers are reporting that Anton Michael, a local human rights activist was assaulted by prison guards while he was in custody. While attending court for another issue on February 6, Michael was reportedly found in contempt of court and sentenced to one-year imprisonment. He reportedly suffered spinal injuries at the hands of the prison guards on February 10. The Minister of Interior and the Prime Minister's office have ordered investigations into the incident. Prison officials have claimed that Michael attacked the prison guards and was injured when they had to forcefully subdue him.

4. (SBU) On October 20, 2002 Ranjith Karunaratne died under questionable circumstances while being transported to a police station. He was arrested for his alleged involvement in theft rings. On February 19 six police officers were arrested by the Criminal Investigation Division (CID) for their alleged involvement in Karunaratne's death.

LTTE
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5. (C) During the fifth round of peace talks, held in Berlin, the LTTE agreed to work with UNICEF to end child recruitment. In reference to this agreement, on

February 20 Inspector General of Police T.E. Anandarajah announced that the LTTE have released 110 children of the 136 reported abducted between April 2002 and January 2003. Deputy Head of the ICRC Delegation Catherine Gendre stated, however, that the press statement just reviewed old cases and only covered a fraction of the cases reported in other sources. The SLMM, for example, received reports of almost 600 abduction cases during that time frame. In addition, indications are that the LTTE continues to forcibly recruit children in eastern Sri Lanka.

16. (C) The LTTE also continues to detain two Sri Lankan Security Force Personnel. The LTTE has permitted the ICRC to meet with the soldier on one occasion. The ICRC has not yet been able to meet with the police officer, despite its request to do so. Hagrup Haukland, Deputy Head of Mission for the Sri Lanka Monitoring Mission has been in regular contact with the LTTE on its detention of the two Sri Lankan security force personnel, and has repeatedly urged the LTTE to release the captives. He stated that the LTTE recently agreed to release the two in the near future and that based on similar promises in the past he expects that the two will likely be released within the next two to three days. The LTTE has been holding the soldier since December 24, 2002 and the police officer since February 20.

Comment

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17. (SBU) The cases reviewed above show a trend that more and more human rights observers are commenting on in Colombo. While the GSL has a fair share of human rights related problems, particularly torture in police custody, it is taking steps to address the issues. At the same time, the LTTE is making positive pronouncements on its intentions to abide by international human rights standards, but has yet to deliver on many of those promises. End Comment.

18. (U) Minimize considered.

WILLS